

REMARKS

This Amendment is responsive to the official action dated October 10, 2006.

Claims 1-8, 10 and 12-23 were pending in this application. In the official action, claims 12-23 were withdrawn from consideration, and claims 1-8 and 10 were rejected. In this Amendment, claim 1 has been amended and new claim 24 has been added. Claims 1-8, 10, and 24 thus remain for consideration.

Applicant submits that claims 1-8, 10, and 24 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 1-8 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Miekka et al.* (U.S. Patent No. 6,540,865 in view of *Xie et al.* (U.S. Patent No. 6,503,620) and *Ugolick et al.* (U.S. Patent No. 5,993,961), or further taken in view of *Piacente et al.* (U.S. Patent No. 5,178,912).

Applicant submits that independent claim 1 is patentable over *Miekka*, *Xie*, *Ugolick* and *Piacente*.

Applicant's invention, as recited in claim 1, is directed toward a method for forming a colored tape. The tape formed by the method includes a base film having a first surface and a second surface. The first surface of the base film is covered with a mixture of laminating adhesive and coloring agent to form a first layer on the first surface of the base film. On top of the first layer, hot melt adhesive is applied to form a second layer. As noted in the specification, the hot melt adhesive may be a pressure sensitive adhesive (see e.g. specification paragraph [0055]).

Neither *Miekka*, *Xie*, *Ugolick* nor *Piacente* discloses the use of a mixture of laminating adhesive and coloring agent. In this

regard, Applicant wishes to comment on the *Miekka* reference in particular.

The Examiner asserts that *Miekka* "teaches that it is known to use coloring agent in the PSA [pressure sensitive adhesive] layer." (Official Action page 3, lines 6 and 7). However, Applicant's claim 1 recites the use of a mixture of coloring agent and laminating adhesive, and not a mixture of coloring agent and PSA. In addition, it is noted that Applicant's claim 1 recites the use of a "hot melt adhesive," which may be a PSA, but does not recite the use of a mixture of coloring agent and hot melt adhesive.

Applicant's laminating adhesive differs from a PSA. Applicant's laminating adhesive is used to form a dry, mature bond with the base film to thereby provide a receiving layer for the hot melt adhesive. (see e.g. specification paragraphs [0048] to [0054]). In this manner, the laminating adhesive "laminates" the base film to the hot melt adhesive. Accordingly, the laminating adhesive is not a PSA. It is not meant to be activated by pressure. Rather, it is meant to bond the hot melt adhesive to the base film without reacting to stimuli that activate the hot melt adhesive.

Since neither *Miekka*, *Xie*, *Ugolick* nor *Piacente* discloses the use of a mixture of laminating adhesive and coloring agent, Applicant believes that claim 1 is patentable over *Miekka*, *Xie*, *Ugolick* and *Piacente* - taken either alone or in combination - for at least this reason.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 2-8, 10, and 24 are patentable over *Miekka*, *Xie*, *Ugolick* and *Piacente* for at least the same reasons discussed in connection with claim 1.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which

Application No.: 10/694,860

Docket No.: LONGWO 3.0-056


action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

Dated: March 9, 2007

Respectfully submitted,

By 

Bruno Polito

Registration No.: 38,580

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant